
By: **Delegate Fulton**
Introduced and read first time: February 13, 2004
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Board of School Commissioners**

3 FOR the purpose of altering the appointment of voting members of the Baltimore City
4 Board of School Commissioners of the Baltimore City Public School System;
5 requiring the proportion of voting members appointed by the Mayor of
6 Baltimore City to reflect the proportion of Baltimore City's financial
7 contribution towards total funding for the school system in a certain fiscal year;
8 requiring the State Board of Education to make a certain determination under
9 certain circumstances; requiring the State Board to authorize either the
10 Governor or the Mayor to appoint a voting member of the Board of School
11 Commissioners after a certain determination; repealing the requirements for a
12 certain composition of the Board; and generally relating to the Baltimore City
13 Board of School Commissioners.

14 BY repealing and reenacting, with amendments,
15 Article - Education
16 Section 3-108.1
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2003 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Education**

22 3-108.1.

23 (a) In this section "Board" means the Baltimore City Board of School
24 Commissioners of the Baltimore City Public School System.

25 (b) There is a Baltimore City Board of School Commissioners of the Baltimore
26 City Public School System.

27 (c) The Board consists of:

1 (1) Nine voting members [jointly] appointed by the Mayor of Baltimore
2 City and the Governor [from a list of qualified individuals submitted to the Mayor
3 and the Governor by the State Board] AS PROVIDED IN SUBSECTION (D) OF THIS
4 SECTION; and

5 (2) One voting student member appointed as provided in subsection
6 [(o)] (J) of this section.

7 (D) (1) THE PROPORTION OF VOTING MEMBERS OF THE BOARD APPOINTED
8 BY THE MAYOR OF BALTIMORE CITY SHALL CORRESPOND TO THE PROPORTION OF
9 FUNDING BY BALTIMORE CITY FOR THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

10 (2) WHEN THE TERM OF A VOTING MEMBER EXPIRES OR A POSITION
11 BECOMES VACANT, THE STATE BOARD SHALL:

12 (I) DETERMINE BALTIMORE CITY'S RATIO OF FINANCIAL
13 CONTRIBUTION TOWARDS THE TOTAL FUNDING OF THE APPLICABLE FISCAL YEAR
14 FOR THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM;

15 (II) EXAMINE THE MEMBERSHIP OF THE BOARD AND DETERMINE
16 THE EXISTING PROPORTION OF TOTAL MEMBERS APPOINTED BY THE MAYOR; AND

17 (III) AUTHORIZE EITHER THE GOVERNOR OR THE MAYOR TO FILL
18 THE VACANCY TO ENSURE THAT THE PROPORTION OF VOTING MEMBERS APPOINTED
19 BY THE MAYOR REFLECTS THE SAME PROPORTION OF BALTIMORE CITY'S FINANCIAL
20 CONTRIBUTION TOWARDS THE TOTAL FUNDING FOR THE BALTIMORE CITY PUBLIC
21 SCHOOL SYSTEM.

22 [(d)] (E) Each member of the Board shall be a resident of Baltimore City.

23 [(e) To the extent practicable, the membership of the Board shall reflect the
24 demographic composition of Baltimore City.

25 (f) At least four of the voting members shall possess a high level of knowledge
26 and expertise concerning the successful administration of a large business, nonprofit,
27 or governmental entity and shall have served in a high level management position
28 within such an entity.

29 (g) At least three of the voting members shall possess a high level of
30 knowledge and expertise concerning education.

31 (h) At least one voting member shall be a parent of a student enrolled in the
32 Baltimore City Public School System as of the date of appointment of the member.

33 (i) (1) Among the nine voting members, at least one member shall also
34 possess knowledge or experience in the education of children with disabilities.

35 (2) The knowledge or experience may be derived from being the parent of
36 a child with a disability.]

- 1 [(j)] (F) (1) The term of a voting member is 3 years.
- 2 (2) The terms of the voting members are staggered as required by the
3 terms provided for members of the Board on June 1, 1997.
- 4 (3) At the end of a term, a voting member continues to serve until a
5 successor is appointed and qualifies.
- 6 (4) A voting member who is appointed after a term has begun serves only
7 for the remainder of the term and until a successor is appointed and qualifies.
- 8 (5) A voting member may not serve more than two consecutive full
9 terms.
- 10 (6) To the extent practicable, the Governor and the Mayor shall fill any
11 vacancy on the Board within 60 days of the date of the vacancy [from a list of
12 qualified individuals submitted to the Mayor and the Governor by the State Board]
13 AS PROVIDED IN SUBSECTION (D) OF THIS SECTION.
- 14 [(k)] (G) On the joint approval of the Mayor of Baltimore City and the
15 Governor, a member may be removed only for cause in accordance with § 3-108 of this
16 subtitle.
- 17 [(l)] (H) Each member of the Board serves without compensation.
- 18 [(m)] On appointment of the Board, the Governor and the Mayor shall jointly
19 select one of the voting members to serve as the Chairman of the Board who shall
20 serve through June 30, 1999.]
- 21 [(n)] (I) Beginning on July 1, 1999 and every 2 years thereafter, from among
22 its voting members the Board shall elect a chairman.
- 23 [(o)] (J) (1) One student member shall be a student enrolled in the
24 Baltimore City Public School System who shall be selected by the Associated Student
25 Congress of Baltimore City.
- 26 (2) The term of a student member is 1 year.
- 27 (3) A student member may not serve more than two consecutive full
28 terms.
- 29 (4) The student member may vote on all matters before the Board except
30 those relating to:
- 31 (i) Personnel;
- 32 (ii) Capital and operating budgets;
- 33 (iii) School closings, reopenings, and boundaries;
- 34 (iv) Collective bargaining decisions;

- 1 (v) Student disciplinary matters; and
2 (vi) Appeals to the Board as provided under §§ 4-205 and 6-202 of
3 this article.

4 (5) The student member may not attend or participate in an executive or
5 special session of the Board.

6 [(p)] (K) Any action by the Board shall require:

7 (1) A quorum of a majority of the voting members then serving; and

8 (2) The affirmative vote of a majority of the voting members then
9 serving.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect July 1, 2004.